

AO 240 (Rev. 6/86) Application to Proceed

COPY

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United States District Court

middle

DISTRICT OF

Pennsylvania

Phan Hue,
v.James Updike, et
al.APPLICATION TO PROCEED IN
FORMA PAUPERIS, SUPPORTING
DOCUMENTATION AND ORDER

CASE NUMBER:

1: CV01-1064

Phan Hue

, declare that I am the (check appropriate box)

☒ petitioner/plaintiff☐ movant (filing 28 U.S.C. 2255 motion)☐ respondent/defendant☒ 42 U.S.C. § 1983
other

in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, cost or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present are briefly stated as follows:

Violation of the 8th Amendment to the U.S. Constitution.
violation of the 1st Amendment to the U.S. Constitution through the 14th Amendment to the U.S. Constitution.

In further support of this application, I answer the following questions.

1. Are you presently employed?

Yes ☐No ☒

a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (list both gross and net salary)

b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or other form of self-employment

Yes ☐No ☒

b. Rent payments, interest or dividends?

Yes ☐No ☒

c. Pensions, annuities or life insurance payments?

Yes ☐No ☒

d. Gifts or inheritances?

Yes ☐No ☒

e. Any other sources?

Yes ☐No ☒

<p>The application is hereby denied</p> <p style="text-align: right;">United States Judge _____ Date _____</p>	<p>The application is hereby granted. Let the applicant proceed without prepayment of cost or fees or the necessity of giving security therefor.</p> <p style="text-align: right;">United States Judge _____ or Magistrate _____ Date _____</p>
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ORDER OF COURT

I certify that the applicant named herein has the sum of \$ 695.43 on account to his credit at the SCI - RETREAT institution where he is confined. I further certify that the applicant likewise has the following securities to his credit according to the records of said institution:

I further certify that during the last six months the applicant's average balance was \$ 484.58 COPY OF ACCOUNT FOR PAST SIX MONTHS ATTACHED

Authorized Officer of Institution

CERTIFICATE
(Prisoner Accounts Only)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 6-10-2001 (Date) _____
Signature of Applicant _____

3. Do you own any cash, or do you have money in checking or savings accounts? ☒ Yes ☐ No (include any funds in prison accounts.)
If the answer is "yes," state the total value of the items owned. \$ 700.00

4. Do you own or have any interest in any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)? ☒ No ☐ Yes
If the answer is "yes," describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 8:04

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM ACTIVE FILE

RUN IAS365
DATE 6/12/2001
PAGE 1

INMATE NAME
NUMBER LAST
DY0577 PHAN

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STARTING BALANCE
458.50

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
9104	04-05-2001 34	RADIO/TV		
		1/2 BASIC CABLE TV SERVICE	-7.63	450.87
1122	04-06-2001 11	INDUSTRIES PAYROLL		
		C.I. LAUNDRY PAYROLL/MARCH	74.49	525.36
8100	04-10-2001 32	RET COMMISSARY		
		FOR 4/10/2001	-28.88	496.48
1114	04-18-2001 37	POSTAGE		
		POSTAGE FOR 4-18	-.80	495.68
1114	04-18-2001 37	POSTAGE		
		POSTAGE FOR 4-18	-.80	494.88
1114	04-18-2001 37	POSTAGE		
		POSTAGE FOR 4-18	-.80	494.08
8122	05-02-2001 32	RET COMMISSARY		
		FOR 5/02/2001	-39.73	454.35
9105	05-03-2001 34	RADIO/TV		
		1/2 BASIC CABLE TV SERVICE	-7.63	446.72
1162	05-07-2001 11	INDUSTRIES PAYROLL		
		C.I. LAUNDRY PAYROLL/APRIL	73.20	519.92
1169	05-11-2001 37	POSTAGE		
		POSTAGE FOR 5-11	-.80	519.12
8142	05-22-2001 32	RET COMMISSARY		
		FOR 5/22/2001	-16.87	502.25
1178	05-29-2001 13	PERSONAL GIFT FROM		
		H TRAN	10.00	512.25
1178	05-29-2001 13	PERSONAL GIFT FROM		
		HOA TRAN	10.00	522.25
1178	05-29-2001 13	PERSONAL GIFT FROM		
		HOA TRAN	-100.00	622.25
9106	06-07-2001 34	RADIO/TV		
		1/2 BASIC CABLE TV SERVICE	-7.63	614.62
1199	06-08-2001 11	INDUSTRIES PAYROLL		
		C.I. LAUNDRY MAY 2001 PAYROLL	80.80	695.42
BALANCE AFTER THESE TRANSACTIONS----->				695.42

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 8:04

INMATE ACCOUNTS SYSTEM
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RUN IAS365
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PAGE 1

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STARTING BALANCE
415.21

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
997	01-02-2001 13	PERSONAL GIFT FROM HOA TRAN	100.00	515.21
8002	01-02-2001 32	RET COMMISSARY FOR 1/02/2001	-23.84	491.37
1005	01-05-2001 35	DENTAL/GLASSES EYEGLASSES/LENS, FRAMES, PHOTOGR	-40.00	451.37
8009	01-09-2001 32	RET COMMISSARY FOR 1/09/2001	-3.77	447.60
1013	01-11-2001 10	MAINTENANCE PAYROLL PAYROLL FOR DECEMBER 2000	40.72	488.32
9101	01-11-2001 34	RADIO/TV 1/2 BASIC CABLE TV SERVICE	-7.63	480.69
1048	02-08-2001 10	MAINTENANCE PAYROLL PAYROLL FOR JANUARY 2001	38.12	518.81
9102	02-08-2001 34	RADIO/TV 1/2 BASIC CABLE TV SERVICE	-7.63	511.18
1031	02-12-2001 37	POSTAGE POSTAGE FOR 2-12	-.80	510.38
8045	02-14-2001 32	RET COMMISSARY FOR 2/14/2001	-41.96	468.42
1041	02-20-2001 36	PRINTED MATERIALS VENDACARD	-5.00	463.42
1031	02-20-2001 37	POSTAGE POSTAGE FOR 2-20	-.80	462.62
1031	02-23-2001 37	POSTAGE POSTAGE FOR 2-23	-.55	462.07
1031	02-23-2001 37	POSTAGE POSTAGE FOR 2-23	-.55	461.52
1031	02-23-2001 37	POSTAGE POSTAGE FOR 2-23	-.55	460.97
1031	02-23-2001 37	POSTAGE POSTAGE FOR 2-23	-.55	460.42
1074	02-27-2001 31	OUTSIDE PURCHASES RADIO VICION CRISTIANA	-10.00	450.42
8058	02-27-2001 32	RET COMMISSARY FOR 2/27/2001	-13.65	436.77
1090	03-08-2001 11	INDUSTRIES PAYROLL C.I. LAUNDRY PAYROLL-FEBRUARY	54.02	490.79
9103	03-08-2001 34	RADIO/TV 1/2 BASIC CABLE TV SERVICE	-7.63	483.16
1088	03-09-2001 10	MAINTENANCE PAYROLL PAYROLL FOR FEBRUARY	2.63	485.79
8072	03-13-2001 32	RET COMMISSARY FOR 3/13/2001	-27.29	458.50
BALANCE AFTER THESE TRANSACTIONS----->				458.50

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INMATE NAME
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STARTING BALANCE
354.00

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
9010	10-05-2000 34	RADIO/TV 1/2 BASIC CABLE TV SERVICE	-7.63	346.37
892	10-06-2000 10	MAINTENANCE PAYROLL PAYROLL FOR SEPTEMBER 2000	17.05	363.42
907	10-17-2000 14	MISCELLANEOUS CASH AWARD I.M. SOCCER CHAMPS	12.00	375.42
8313	11-08-2000 32	RET COMMISSARY FOR 11/08/2000	-26.68	348.74
933	11-09-2000 10	MAINTENANCE PAYROLL PAYROLL FOR OCTOBER 2000	35.16	383.90
9011	11-09-2000 34	RADIO/TV 1/2 BASIC CABLE TV SERVICE	-7.63	376.27
8333	11-28-2000 32	RET COMMISSARY FOR 11/28/2000	-21.60	354.67
9012	12-07-2000 34	RADIO/TV	-7.63	347.04
974	12-11-2000 10	MAINTENANCE PAYROLL PAYROLL FOR NOVEMBER 2000	37.90	384.94
969	12-12-2000 13	PERSONAL GIFT FROM PHUOC LE	50.00	434.94
981	12-18-2000 37	POSTAGE POSTAGE FOR 12-18	-.60	434.34
8354	12-19-2000 32	RET COMMISSARY FOR 12/19/2000	-19.13	415.21
BALANCE AFTER THESE TRANSACTIONS----->				415.21